

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA)	4:12-cr-249-0-1
)	
v.)	Sentencing
)	
STEPHAN HAMILTON)	March 31, 2014

BEFORE THE HONORABLE REED C. O'CONNOR
United States District Judge
In Fort Worth, Texas

FOR THE GOVERNMENT:

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1 (March 31, 2014.)

2 THE COURT: I call case number 4:12-cr-249, the
3 United States versus Stephan Hamilton.

4 MR. WOLFE: Good morning, Your Honor. Chris Wolfe
5 for the Government and the Government is ready.

6 THE COURT: Thank you.

7 MR. STICKELS: John Stickels for Stephan Hamilton,
8 Your Honor.

9 THE COURT: Are you ready to proceed?

10 MR. STICKELS: Yes, Your Honor.

11 THE COURT: Okay. Mr. Hamilton, would you please
12 state your full name for the record.

13 THE DEFENDANT: Stephan David Hamilton.

14 THE COURT: All right. Thank you, sir. You appeared
15 before me on October 15th, 2013, and pleaded guilty to count
16 one of the one count indictment. On that date I found that
17 your plea was a knowing and voluntary plea supported by an
18 independent basis in fact containing each of the essential
19 elements of these offenses -- of this offense. You told me at
20 that time that you understood the elements of the offense,
21 agreed to the accuracy of the factual resume, and admitted
22 that you committed all of the essential elements of this
23 offense. I found you guilty at that time.

24 Mr. Stickels, did you and your client receive in a
25 timely manner a copy of the Presentence Investigation Report

1 and the First Addendum to the Presentence Investigation Report
2 and the Second addendum.

3 MR. STICKELS: Yes, Your Honor.

4 THE COURT: And did you carefully review those
5 documents with your client?

6 MR. STICKELS: Yes, Your Honor.

7 THE COURT: Did the Government receive these
8 documents timely?

9 MR. WOLFE: Yes, Your Honor.

10 THE COURT: All right. Now, there are several
11 objections to these documents. Mr. Wolfe, would you explain
12 to me why you believe that the Henry statement and the Montes
13 statements are reliable or why they are corroborated.

14 MR. WOLFE: Yes, Your Honor. Both individuals were
15 debriefed after their arrest and only they -- talked about
16 Mr. Hamilton but they also gave us information about other
17 codefendants who were arrested and so we believed, A, they --
18 they gave -- they gave information that was corroborative on
19 an individual we could test and ideally the information with
20 Mr. Hamilton which jived with information we got from other
21 people as well.

22 THE COURT: All right. Okay. Do you have an agent
23 here who can testify to this?

24 MR. WOLFE: No, Your Honor. And I realize -- in my
25 response, that's all we really have. The agents are telling

1 me they believed him. They believed what he said because it
2 corroborated what they heard about others about Mr. Hamilton.
3 That's all we have. If the Court is uncomfortable with
4 that -- we're not strongly pushing --

5 **THE COURT:** It's not that I'm uncomfortable with
6 that, it's just that the evidence has to show that the
7 information is reliable and I understand you are saying that
8 it is reliable, but I'm wanting to know what I can look to
9 factually --

10 **MR. WOLFE:** Yes, Your Honor.

11 **THE COURT:** -- to understand why that evidence is
12 reliable.

13 **MR. WOLFE:** I have nothing further than what's in my
14 response. I believe the agent was going to be here but I
15 don't see him yet and so that's all the evidence we have, Your
16 Honor.

17 **THE COURT:** All right. We'll -- we'll take a break
18 on this case and we'll wait for him to get here. We will take
19 your case up momentarily, Mr. Hamilton.

20 **MR. WOLFE:** Thank you.

21 (Recess.)

22 **THE COURT:** Okay. Mr. Hamilton, come on back over,
23 please, sir. All right. We are back on the record in case
24 number 4:12-cr-249. Mr. Hamilton, go ahead and have a seat
25 with your attorney there.

1 The United States versus Stephan Hamilton. All
2 right. Mr. Wolfe.

3 **MR. WOLFE:** Your Honor, I believe before we left off
4 you were asking the Government to put forth evidence on why we
5 should trust Mr. Montes and Ms. Pollett. Is that correct?

6 **THE COURT:** Henry. Henry gave a post-arrest
7 statement.

8 **MR. WOLFE:** Yes, Your Honor.

9 **THE COURT:** As to drug amounts and so the objections,
10 Mr. Hamilton is to the reliability of those for various
11 reasons and so my question to you is you have codefendants or
12 co-conspirators or just other people in the drug business
13 giving statements that attribute drug transactions to
14 Mr. Hamilton that increase his guidelines and so my question
15 to you is -- and these -- these two are what it appears to me
16 they are objecting to and so my question to you is what
17 evidence do you have that would support a conclusion which you
18 seek that their statements are reliable enough for me to
19 consider in determining the appropriate guideline calculations
20 for Mr. Hamilton.

21 **MR. WOLFE:** Yes, Your Honor. Specifically, with
22 Mr. Montes, my understanding is that he gave information --
23 well, the Government -- the Government only had a certain
24 amount of information on him, what -- the amount he was caught
25 with and he gave information about himself that hurt him and,

1 therefore, it boasted -- it bolstered his reliability because
2 he gave information that was detrimental to himself.
3 Therefore, the information against Mr. Hamilton was deemed
4 reliable.

5 THE COURT: Right. I just need you to put on
6 evidence --

7 MR. WOLFE: Thank you.

8 THE COURT: -- to support that argument. I
9 understand the argument. The Addendum I think adopts that
10 argument as well. But I don't see in -- in your response to
11 the objections or in the addendum some explanation as to why
12 you believe, some factual basis as to why you believe it's
13 corroborated.

14 MR. WOLFE: The Government calls Officer Bruce
15 Blaisdale.

16 THE COURT: All right. Come on up and please raise
17 your right hand to be sworn.

18 (Witness sworn.)

19 BRUCE BLAISDALE, GOVERNMENT WITNESS, was sworn

20 DIRECT EXAMINATION

21 BY MR. WOLFE:

22 Q. Good morning. Would you please tell us your name and tell
23 us what you do for a living.

24 A. My name is Bruce Blaisdale and I'm a Fort Worth police
25 officer assigned to DEA.

1 Q. And have you -- how long have you been in law enforcement?

2 A. It will be 23 years this year.

3 Q. And during those 23 years have you had a chance to
4 investigate drug crimes?

5 A. Yes, sir.

6 Q. How long?

7 A. I've been assigned to narcotics about the past 17 years.

8 Q. You are the case agent handling the case against
9 Mr. Stephan Hamilton?

10 A. Yes, sir.

11 Q. You are aware of an individual by the name of
12 Hector Montes?

13 A. Yes, sir.

14 Q. Did you arrest Mr. Montes?

15 A. We did.

16 Q. Did you have a chance to speak with him post-arrest?

17 A. Yes, sir.

18 Q. Can you tell the Court what, if anything, he told you?

19 A. Mr. Montes was stopped after leaving Mr. Hamilton's house.
20 He was in possession of some U.S. currency and he admitted to
21 delivering 12 ounces of methamphetamine to Mr. Hamilton's
22 residence. We subsequently interviewed him and he stated that
23 he would sell Mr. Hamilton between 8 and 16 ounces about every
24 other day for a period of about three months.

25 Q. And prior to meeting Mr. Montes did you have information

1 that Mr. Hamilton sold large amounts of methamphetamine?

2 A. That's correct.

3 Q. Did Mr. Montes also give information that would hurt him
4 in some ways?

5 A. Absolutely. We would -- without him saying that he
6 delivered the 12 ounces to Mr. Hamilton's residence, all he
7 actually had on him was that he had some U.S. currency and
8 then without him saying that he sold 18 to 16 ounces to
9 Mr. Hamilton, he was basically putting dope on himself which
10 subsequently cost him more time in prison.

11 Q. Okay. And based on that plus based -- well, let me ask
12 you this. You've interviewed defendants in the past. Do you
13 believe over the period of time you've developed the ability
14 and experience to determine whether or not someone is credible
15 and reliable to you?

16 A. Yes, sir.

17 Q. Did he seem to be forthcoming to you?

18 A. He was very forthcoming. He didn't appear to minimize at
19 all.

20 Q. And based on that did you deem his information reliable?

21 A. Yes, sir, I do.

22 Q. Okay. Did you also interview Michael Henry?

23 A. We did.

24 Q. And can you tell us the circumstances surrounding his
25 arrest?

1 A. Mr. Henry originally called the police because he said
2 that his residence had been burglarized. When the officers
3 arrived they saw evidence of a possible methamphetamine lab
4 and distribution, so they basically froze his residence and
5 prepared a search warrant and inside the -- Mr. Henry was a
6 fifth year chemistry student at the University of Dallas and
7 inside the apartment they found methamphetamine and all the
8 glassware to make meth. Mr. Henry was interviewed. He
9 admitted to purchasing meth from Mr. Hamilton and also stated
10 that Mr. Hamilton had purchased all the glassware that was in
11 the residence because he wanted Michael Henry, who was a
12 chemistry student, to start manufacturing methamphetamine and
13 according to Mr. Henry they were going to attempt to start
14 being one of the major suppliers in the Dallas/Fort Worth
15 area.

16 Q. Did he also give information that would be detrimental to
17 his future? In other words, information that would hurt him,
18 therefore bolstering his credibility?

19 A. Yes, sir.

20 Q. One thing that I forget to ask you about Mr. Montes and
21 just so we're clear, Mr. Montes, he wasn't -- he didn't
22 receive methamphetamine for Mr. Hamilton. He was a supplier?

23 A. Correct. He admitted to being the supplier for --
24 admitted to being one of the suppliers for Mr. Hamilton.

25 Q. And regarding Ms. Pollett, he was arrested as well?

1 A. Correct. She was.

2 Q. And can you tell us the circumstances surrounding her
3 arrest?

4 A. We interviewed Mr. Hamilton. He provided information
5 about Cynthia Pollett. We provided that information to
6 Oklahoma where she resided and they already had some
7 information but they used the information that Mr. Hamilton
8 provided to execute a search warrant at her residence in which
9 methamphetamine and a large amount of U.S. currency was
10 located.

11 Q. And she -- Excuse me. You were eventually able to
12 interview her?

13 A. I was.

14 Q. What did she tell you about her activities and her
15 activities with Mr. Hamilton?

16 A. She stated she had come down here one or two times a month
17 and she would purchase approximately one kilo from
18 Mr. Hamilton each time she would come down.

19 Q. Now, Mr. Hamilton's information, it helped you arrest
20 Ms. Pollett. That's been included in the Government's request
21 for a 5K before this Court; correct?

22 A. Yes, sir.

23 Q. Okay. Did you believe Ms. -- Excuse me -- Ms. Pollett's
24 information was reliable?

25 A. Yes.

1 Q. Why is that?

2 A. She seemed very forthcoming. Ms. Pollett had no criminal,
3 had never even been arrested. She was fifty-two years old, I
4 believe, but had never been arrested before in her life. This
5 was her first offense and she, again, put dope on herself.

6 MR. WOLFE: Your Honor, there is one other issue
7 that's -- before I pass this -- an issue regarding the
8 methamphetamine involving codefendant Dustin Pulido but I
9 don't think the facts are in dispute of this. I think this is
10 more of an argument.

11 THE COURT: Go ahead and address that. I -- I think
12 that the --

13 MR. WOLFE: Yes, Your Honor.

14 THE COURT: I -- I don't think the objection should
15 be granted, but go ahead and address it now.

16 BY MR. WOLFE:

17 Q. You are aware of codefendant Dustin Pulido?

18 A. I am.

19 Q. Can you tell us the facts surrounding his arrest?

20 A. Yes.

21 Q. Go ahead.

22 A. I'm sorry?

23 Q. Can you tell us the facts surrounding his arrest?

24 A. The first time he was arrested, he drove to Mr. Hamilton's
25 house, picked up -- they went in -- he basically picked up

1 some money that he needed in order to purchase a half a pound
2 of methamphetamine. Mr. Pulido and a female drove to Dallas,
3 purchased a half a pound of methamphetamine, and on the way
4 back was stopped by the Fort Worth Police Department. When
5 they got Mr. Hamilton out of the car, he had a pistol in the
6 front of his waistband and there was a half a pound of
7 methamphetamine behind the seat. He subsequently made bond
8 and we issued a federal arrest warrant for him and a short
9 time later we located him hiding at an apartment off of Royal
10 Lane in Irving and he was arrested and was in possession of
11 like another half ounce of methamphetamine at the time of his
12 arrest.

13 Q. Okay. There's information from Mr. Pulido that he used
14 Mr. Hamilton's money?

15 A. Some of Mr. Hamilton's money, yes.

16 Q. How do you know that?

17 A. Because he told us.

18 Q. What did he tell you?

19 A. That he went by Mr. Hamilton's residence and picked up
20 some money. On that same case we also had an informant
21 involved. An informant confirmed Mr. Pulido had picked up
22 money from Mr. Hamilton in order to purchase a half a pound of
23 methamphetamine.

24 Q. Okay. And just to be clear for the Court, was the -- was
25 the ultimate source, was that dope supposed to go to

1 Mr. Hamilton or to Mr. Pulido?

2 A. Pulido's -- Pulido stated that they were going to split it
3 was what we were told.

4 Q. But you don't know as to how they were going to split it
5 or the amount of the split?

6 A. No, I don't.

7 MR. WOLFE: That's all we have, Your Honor.

8 THE COURT: All right. Thank you. Mr. Stickels.

9 MR. STICKELS: Thank you, Your Honor.

10 **CROSS-EXAMINATION**

11 **BY MR. STICKELS:**

12 Q. With regard to Ms. -- is it Pollett?

13 A. Yes, sir.

14 Q. Did the Government know about Ms. Pollett before
15 Mr. Hamilton debriefed?

16 A. We knew about -- well, we knew about Cynthia Pollett.
17 When he was arrested the first time by Fort Worth PD he
18 mentioned Ms. Pollett to her -- to them and that he was
19 supplying her with a kilo of meth at a time.

20 Q. So Mr. Hamilton told you that after he was arrested?

21 A. He told the Fort Worth police prior to his federal case
22 that he was -- because he wanted to cooperate and she was one
23 of the people that he talked to them about cooperating on.

24 Q. So would you have known about Ms. Pollett and her
25 involvement in the meth business without Mr. Hamilton's

1 statement?

2 A. No.

3 Q. Now, I think when you testified about Mr. Pulido, you may
4 have said that Mr. Hamilton was the one arrested with the gun
5 in the car?

6 A. No. Mr. Pulido was arrested with the gun in his
7 waistband.

8 Q. So Mr. Hamilton was not arrested with the gun in his
9 waistband in a car. That was Pulido.

10 A. No, Mr. Hamilton wasn't in the car.

11 Q. Now, did Mr. Pulido say how much of the money he got from
12 Mr. Hamilton was supposed to be used to buy meth?

13 A. I don't recall.

14 Q. Do you know how much of it was going to be used?

15 A. I think it was around \$1500, but I don't recall off the
16 top of my head.

17 Q. Now, you've reviewed all the text messages in this case?

18 A. There was a lot. Yes.

19 Q. And did you review the text messages between Mr. Hamilton
20 and Mr. Montes where they talked about how much meth that
21 Mr. Montes was going to take to Mr. Hamilton?

22 A. I don't remember -- I don't remember them specifically.
23 Mr. Hamilton had over 90,000 text messages on his cell phone.

24 Q. The text messages in question talk about getting 8 ounces
25 and that's different from the 12 ounces that Mr. Montes said

1 he delivered?

2 A. I don't -- I'm not saying you are incorrect, I'm just
3 saying I don't remember that text message off the top of my
4 head.

5 Q. Would you believe the text message is more or what
6 Mr. Montes says is more?

7 A. If there is a text message saying that, it would certainly
8 be more reliable.

9 Q. The text message about delivering 8 ounces would be more
10 reliable than what Mr. Montes told you?

11 A. If that text message exists.

12 MR. STICKELS: Pass the witness, Your Honor.

13 MR. WOLFE: No further questions on this issue, Your
14 Honor.

15 THE COURT: Okay. You may step down.

16 THE WITNESS: Thank you.

17 THE COURT: Mr. Wolfe, what do you -- what is your
18 argument in response to Mr. Stickels's argument about the 8
19 ounce text messages?

20 MR. WOLFE: Your Honor, I believe the Court should
21 accept Mr. Hamilton's argument.

22 THE COURT: All right. And what does that do for the
23 guideline calculation?

24 MR. STICKELS: In addition, Your Honor, we also
25 objected to any meth allegation from Ms. Pollock --

1 **THE COURT:** Pollett.

2 **MR. STICKELS:** Pollett -- because the Government
3 obtained knowledge of her after Mr. Hamilton debriefed and
4 would not have known about her and it's not fair to attribute
5 that meth to him after they found out about it from debriefing
6 him -- found out about her from debriefing him.

7 **THE COURT:** All right. I don't see in paragraph 20
8 where there's an indication that he debriefed pursuant to
9 1B1.8. Is that what you are saying occurred?

10 **MR. STICKELS:** Yes, Your Honor. That was -- that
11 happened before I got appointed and it -- I think it
12 happened -- he debriefed before I got appointed and he did it
13 with the debriefing agreement.

14 **MR. WOLFE:** Your Honor, may I --

15 **THE COURT:** Yes?

16 **MR. WOLFE:** Your Honor, Mr. Hamilton was interviewed
17 more than once and I believe the information he first gave
18 about Ms. Pollett was not under proffer. It was before his
19 case went federal.

20 **THE COURT:** Paragraph 20 indicates that
21 Mr. Hamilton -- paragraph 20 of the Presentence Investigation
22 Report indicates that in a post-arrest and post-Miranda
23 warning statement Mr. Hamilton indicated that I organized the
24 distribution of at least one kilogram of methamphetamine to
25 Pollett on a regular basis and arranged for the meeting.

1 There's no indication in paragraph 20 that statement is
2 protected by 1B1.8. Is that what you are saying is -- is that
3 the reason why you believe this statement is protected?

4 **MR. STICKELS:** Yes, Your Honor.

5 **THE COURT:** Because he was protected under that
6 provision of the guideline?

7 **MR. STICKELS:** Yes, sir.

8 **THE COURT:** And do you have a -- what evidence do you
9 have of that, I guess?

10 **MR. STICKELS:** May I have just a moment, Your Honor?

11 (Off-the-record discussion between defense counsel and the
12 defendant.)

13 **MR. STICKELS:** Thank you, Your Honor. Mr. Hamilton
14 proffered on January 18th pursuant to a proffer agreement.
15 Ms. Pollett was arrested on February 8th. By February 8th it
16 is our position that arrest was the direct result of him
17 proffering on January 18th under the agreement.

18 **THE COURT:** January 18 of what year?

19 **MR. STICKELS:** 2012 -- 2013, Your Honor.

20 **THE COURT:** Okay. But this arrest occurs on November
21 17, 2012. And so on November 17, 2012, he's telling the
22 police that he delivers on a regular basis to Ms. Pollett a
23 kilogram of methamphetamine.

24 **MR. STICKELS:** I understand the Court's position,
25 Your Honor.

1 **THE COURT:** Okay. All right. Very good then. I
2 will sustain the Defendant's objection to the attribution of
3 12 ounces of methamphetamine pursuant to Montes's statement
4 and instead apply the 8 ounce figure.

5 I will overrule the Defendant's objection as to the
6 one kilogram that Henry talked about. I find that statement
7 is reliable, given in the post-arrest setting, and given the
8 testimony from the officer as to why it is -- why he deemed it
9 reliable and I adopt his views on that because I agree with
10 him that in that setting it is reliable, given the
11 circumstances in which it occurred, particularly that it
12 inured to his detriment.

13 I will also overrule the defendant's objection as to
14 the amount attributable to the defendant that he delivered to
15 Ms. Pollett. I will find that those statements are
16 corroborated by the defendant's own statement in paragraph 20.
17 I don't have any evidence before me that that statement is
18 somehow protected from use at sentencing, so I will overrule
19 that objection and I will find though that the statements by
20 Mr. Montes are sufficiently corroborated and reliable for me
21 to use at sentencing but to the 8 ounce figure, not to the 12
22 ounce figure, so other than the amount, the 12 ounce amount,
23 I'll adopt the views by the officer as to why those figures
24 are reliable and add to my view the text messages pointed out
25 in the defendant's objections.

1 I will note that the Addendum accepts the defendant's
2 objections one, two, three, and so I will accept those as
3 well.

4 I'll deny the objection as to the Pulido \$1500
5 amount. They were -- the defendant and Mr. Pulido were in a
6 jointly undertaken activity here and so for the reasons stated
7 in the addendum and in the Government's response, I will
8 overrule that objection and include those amounts in the
9 guideline calculations.

10 The Addendum has accepted the double counting
11 objections, five and six, and I will accept those as well.

12 The question of the drug amounts attributable to --
13 in connection with the time of Mr. Hamilton working with law
14 enforcement, I will note that he did at times work with law
15 enforcement but I will overrule the objection to including
16 those amounts in the guideline calculations for the reasons
17 stated by the Government in their response to the objections
18 and by the probation officer in the Addendum.

19 My ruling on these objections does not affect the
20 total offense level calculations, so I will overrule the
21 objection to the total offense calculations.

22 And then I will accept the objection as to the age of
23 Mr. Hamilton's daughter and defer ruling on the -- actually, I
24 don't plan on departing upward. There's a statutory cap of
25 240 months.

1 So based -- Are there any other objections you need a
2 ruling on, Mr. Stickels?

3 **MR. STICKELS:** No, Your Honor.

4 **THE COURT:** All right. Then based on the foregoing,
5 I adopt the fact findings contained in the Presentence Report,
6 the Addendum to the Presentence Report, and the Second
7 addendum to the Presentence Report as modified by my ruling
8 related to Mr. Montes's statement of 12 ounces versus your
9 objection to applying only an 8 ounce, and I, as I stated,
10 will apply only the 8 ounce amount.

11 I will adopt the fact findings contained in the
12 Presentence Report, the Addendum, the Second Addendum as
13 modified but what I said. I will also adopt, as I mentioned,
14 the Government's arguments and the response to objections that
15 I've accepted and my statements about accepting the officer's
16 views here on the reliability of the information. I'll also
17 adopt the probation officer's conclusions as to the
18 appropriate guideline calculations and determine that they are
19 as follows:

20 A total offense level of 39.

21 A Criminal History Category of IV.

22 An imprisonment range of 240 months.

23 Fine range of between 3 years and life -- I mean, a
24 supervised release range between 3 years and life.

25 And a fine range between \$25,000 and \$1 million

1 dollars.

2 The Government has filed a motion for departure under
3 Rule 5K. I will grant that motion for the reasons stated in
4 the document but reserve ruling on the appropriate sentence
5 after argument.

6 Does the Government wish to be heard on sentencing?

7 **MR. WOLFE:** Just briefly, Your Honor. The Court's
8 granted the Government's motion for 5K but I did want to
9 communicate to the Court that Mr. Hamilton's assistance was
10 not only substantial, it was more than we normally see. He
11 was quite forthcoming as to his conduct. He was forthcoming
12 as to his dealings with these other people, and it did help us
13 net multiple individuals as set forth in this agreement.

14 Obviously, the issue was he had been arrested once,
15 cooperated, and then dealt dope again. That's what made it
16 hard for the Government to decide how to weigh that. But the
17 information set forth in the 5K is accurate. We do think but
18 for his information we would not have had these individuals.

19 **THE COURT:** So you -- but for you charging him with a
20 twenty year offense, he would be facing thirty years under the
21 guideline -- a minimum of thirty years up to life under the
22 guideline. So your recommendation in the 5K at the bottom end
23 of your recommendation is almost a 20 year reduction that you
24 seek.

25 **MR. WOLFE:** We realize it's significant, Your Honor,

1 but it's because of his -- we thought his information was -- I
2 can have Mr. -- Officer Blaisdale testify, but it was
3 unusually strong and not only did he give information but he
4 gave information in such a way he had texts, he had phone
5 numbers, he had photographs, he had information that we --
6 that made it easy for us. So it was more than just giving a
7 name and we go hunt-and-peck and find someone but -- he made
8 it easy for us.

9 THE COURT: All right. Fine. Thank you.

10 MR. WOLFE: That's all we have, Your Honor.

11 THE COURT: Mr. Stickels, I'll turn the floor over to
12 you, sir.

13 MR. STICKELS: Your Honor, Mr. Hamilton's mother,
14 Edith Hamilton, is here and would like to address the Court.

15 THE COURT: Okay. Very good. Thank you. Would you
16 raise your right hand and be sworn, please.

17 (Witness sworn.)

18 THE COURT: Ma'am, I will be pleased to hear from
19 you.

20 THE WITNESS: Thank you. My name is Edith Hamilton.
21 I'm Stephan's mother.

22 And I kind of would like to start at the very
23 beginning to show Stephan's character. It was around
24 Thanksgiving when Stephan was arrested and I was calling him
25 to invite him home for Thanksgiving and make the plans and I

1 couldn't get a hold of him and he wasn't returning my calls,
2 which was not like him and so I drove by his house and put a
3 little note on the door because there was no answer and
4 Thanksgiving came and went and I still hadn't heard from him,
5 so I began to get very worried and started calling around and
6 I said I think something has happened to Stephan and it was
7 then that I found out he was in jail in Parker County and when
8 I saw him he said, "Mother, I'm sorry, I'm so ashamed of
9 myself that I could not tell you what had happened and that I
10 was in jail."

11 And he has been very remorseful about what he has
12 done, realizing that he's not only hurt his family but myself
13 and his children and his reputation as well. And he has been
14 very remorseful and has asked me at different times to get in
15 touch with people so that he could contact them and tell them
16 that he was sorry for what he had done in their lives and one
17 person I was not able to -- I didn't know them, I wasn't able
18 to get in touch with them, but he not only believes in being
19 remorseful, but he totally believes in restitution and trying
20 to restore anything that he has destroyed or hurt.

21 And then I wanted to show you the side of Stephan
22 that is a dad and a father. He married -- when he married his
23 wife, she had a young son. He is three years old, Tristan,
24 and we thought that he might have some learning disabilities
25 because he acted so strange and you couldn't understand his

1 language and so our family started talking about it and we
2 realized that Stephan -- that Tristan, his stepson, was having
3 trouble hearing, and, you know, Stephan zeroed in on that, got
4 him over to Cooks. They put tubes in his ears. The
5 audiologist said that he had so much old infection in his ears
6 that it was impairing his hearing. It was like if you stuck
7 your fingers in your ears and tried to hear. And after those
8 tubes were in his ears, I mean, it just opened up a whole new
9 world for this young man. He began to hear and thrive and
10 talk and -- it was just amazing.

11 And he has been involved in his life with sports. He
12 coached his -- I think it was basketball and soccer. You
13 know, there was a side of Stephan that was very family
14 orientated. I don't know how he got off into this stream that
15 he did.

16 And then he has a daughter, Isabela. And I was
17 trying to think of different ways I could explain their
18 relationship but she has always been a daddy's girl and she is
19 a daddy's girl, and when this happened, she went into a deep
20 depression and because Stephan being out of the picture, I
21 wasn't allowed to be really involved in her life very much
22 anymore, but her mother had enough precedent to realize that
23 she was depressed and she was threatening suicide. At nine
24 years old she wanted to kill herself. She didn't want to live
25 anymore. And I got her in to see a counselor and the

1 counselor diagnosed her at a high risk for suicide and got her
2 in as an outpatient at Sundance to receive therapy which she
3 responded to very well.

4 She went -- I believe -- I was trying to remember, it
5 was four to six weeks patient therapy at Sundance in Fort
6 Worth and then we saw her counseling once a week Saturday for
7 four to six weeks and her relationship with her dad, her dad
8 has now been restored and she is visiting him on a regular
9 basis and I'm just hoping that, you know, when he is
10 sentenced, that he can be close enough, if he can't come home,
11 that he can be close enough for her and maybe Tristan to keep
12 in touch with him. He's been a very strong person in their
13 lives, influence in their lives in a positive way.

14 And -- and then -- oh, just one more thing about
15 Tristan. When Stephan came into his life, he didn't eat
16 anything that wasn't shaped in the form of a chicken nugget.
17 If it wasn't in that shape or a chicken nugget, he just
18 wouldn't eat it and Stephan introduced him to foods, he
19 started eating vegetables and, you know, he just -- he really
20 invested some time and energy into this boy and into his
21 family and I just ask you to show -- show him some mercy.

22 **THE COURT:** Thank you, ma'am.

23 **MR. STICKELS:** Thank you, Your Honor. Your Honor, we
24 filed a sentencing memorandum in this case that outlined
25 Mr. Hamilton's background and his character and we would ask

1 the Court to consider the Sentencing Memorandum in sentencing
2 Mr. Hamilton.

3 In addition to the 5K1, Mr. Hamilton also provided
4 information to the Eastern District of Texas and others
5 concerning methamphetamine dealing. Mr. Hamilton has done
6 everything within his power after he was arrested to
7 rehabilitate himself and to do everything that he can to make
8 up for his crime and we would ask the Court to consider all
9 that in sentencing him.

10 THE COURT: Thank you, sir. Mr. Hamilton, do you
11 wish to speak on your behalf or present information in
12 mitigation of your sentence?

13 THE DEFENDANT: Yes, sir, I do.

14 THE COURT: I would be pleased to hear from you.

15 THE DEFENDANT: I'm sorry. It's a little lengthy,
16 but -- I would like to address my mother first, if that is
17 okay. And then I'm going to address the Court.

18 Thank you, Mama, for never giving up on me, for all
19 the encouragement during the worst of times, for every prayer
20 on your own, on the phone, or at visitation. Thank you for
21 being strong when I couldn't and always reminding me that the
22 Lord has greater plans for me despite what circumstances
23 suggest. Thank you for instilling the belief in me that if I
24 stay the course and keep my eyes on Jesus that I will
25 overcome. There is no mother like you and I love you.

1 Be it words from either Nelson Mandela or the Apostle
2 Peter, I have found a consistent confirmation about prison,
3 trials, and character. Mandela wrote that prison is a type of
4 crucible that tested a man's character. Some men, under the
5 pressure of incarceration, showed true metal while others
6 revealed themselves as less than what they appeared to be.

7 The Apostle Peter wrote, "In this you greatly rejoice
8 though now for a little while, if need be, you have been
9 grieved by various trials, so that the genuineness of your
10 faith, being much more precious than gold, it perishes though
11 it is tested by fire, may be found to praise, honor, and glory
12 at the revelation of Jesus Christ."

13 These statements by great men encourage me to place
14 myself into a fire seeking my genuine purpose in this life
15 while purging to the surface the fears that reside within me.
16 A true man, to me, I have found, admits his wrongs, faces the
17 faults inside of him, and seeks to make restitution whenever
18 possible. My struggle to do just that almost broke me. The
19 truths and revelations about who I was and where I was going
20 were a weight that almost convinced me to give up. In my
21 darkest moment, consumed by fear, I submitted the whole of my
22 life to the Lord and that -- and asked that He take this
23 burden or take my life. In that moment I felt grace and I saw
24 purpose in my future and redemption from my past. I saw that
25 even suffering can have purpose if in it one can prevent

1 further or future suffering or use the experience to mend the
2 suffering of others. I lived for far too long with a hole in
3 my life. I have tasted, tested, and tried substances and
4 actions too great to list all in a vain attempt to fill avoid.
5 In a spirit of greed I once believed that I could consume and
6 acquire my way to fulfillment. In all actuality, I have
7 learned the truth that a man should not be measured by what
8 conquests or riches he can lay claim to but by his actions and
9 those efforts made when sacrifice rather than gain are at
10 hand. It is not that which a man can take but that which he
11 gives that feeds his soul. Up until this experience, I have
12 often taken more than I have given.

13 In the actions that I have committed to place myself
14 before this Court, I have placed a burden on my family as well
15 as my country. Today before all of you I am the to make a
16 declaration publicly that I made to myself privately some
17 months ago. In every opportunity I will serve. I will serve
18 those in need and those in want. From the ashes of what I
19 once was I will become a lighthouse to the lost. I will not
20 just strive to make a difference, I will seek to be the
21 difference. I have been blessed beyond measure with a sound
22 mind, a grateful spirit, and a burning desire to overcome.

23 In my future, at every opportunity, I will use all of
24 my life experiences, even the darkest and most painful, to
25 shed light and offer direction to anyone that will listen. To

1 society I owe a great debt and wish to undertake the task of
2 repayment as soon as possible. In every circumstance, in
3 every school that will have me, to any person or community
4 that will listen, I will share my knowledge, experiences, and
5 foresight to battle the methamphetamine epidemic.

6 To the families of addicts I will work provide
7 understanding and encouragement remain whole. To the addicts
8 themselves I will give hope. I pledge that this will never be
9 a sideline. It will be my life's work. I, better than most,
10 understand the dire battle against methamphetamine. I want
11 nothing more than to educate, defend, and overcome its evils.
12 At the end of my journey on this earth I want to know that the
13 suffering and destruction I caused became the experience and
14 catalyst for change in not only me but in the lives of others.

15 More than any written or spoken words can state, in
16 the language that is simply action and resolve, I ache to be
17 part of the solution. While I must be held accountable for my
18 actions, I ask that in me you see an opportunity for
19 greatness, for change, and for just mercy.

20 Because I have underachieved my abilities, because I
21 have disappointed those who do matter, because in my past I
22 have sacrificed what is good and right for the love of self,
23 because of all these things I want to make good on that which
24 God has given me.

25 I want my Mama, my daughter, my son, my community and

1 my God to be pleased with the man that I have become and proud
2 of what I have given back in time, effort, heart, and results
3 to the world. For this I need time. I have plans,
4 contingency plans, and contingency plans for contingency
5 plans. I am prepared for the failures that often proceeds
6 triumph. This time that I've spent incarcerated, these
7 sixteen months, have given me time to be in a wilderness of
8 sorts, to have a revelation experience not unlike the Apostle
9 Paul's when the scales fell from his eyes. I see with new
10 eyes and I now see that I have a family that believes in me, a
11 God that loves me, and a determination inside of me that
12 together will give me all that I need to overcome and be the
13 difference that I know that I can be in this world.

14 Thank you.

15 **THE COURT:** Thank you, sir.

16 **MR. WOLFE:** You may have mentioned this and I just
17 didn't catch it and I don't believe this affects the overall
18 sentencing, but there is a waiver reduction on file pursuant
19 to 3582.

20 **THE COURT:** Okay. Is that the case, Mr. Stickels?

21 **MR. STICKELS:** Yes, Your Honor. And whatever
22 guideline the Court deems appropriate we ask the Court to
23 deviate downward two levels.

24 **THE COURT:** Okay. Is that your understanding,
25 Mr. Hamilton, that you're waiving your right to seek a 3582

1 reduction?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: All right. I will reduce the offense
4 level by two levels. I don't believe it affects the
5 guidelines -- Mr. Wolfe, what consideration did you give to
6 filing a count for 924(c)?

7 MR. WOLFE: Your Honor, we -- may I have just a
8 moment?

9 (Off-the-record discussion between Mr. Wolfe and the case
10 agent.)

11 MR. WOLFE: Your Honor, we -- I'm sorry. Your Honor,
12 we did give consideration but because of his cooperation we
13 chose not to file that.

14 THE COURT: All right. Very good. I will now state
15 the sentence determined pursuant to Title 18 United States
16 Code Section 3553 treating the guidelines as advisory only.
17 In arriving at a reasonable sentence, I've taken into account
18 primarily the conduct admitted in the Factual Resume as well
19 as those matters required to be considered by 3553.

20 This is -- It is the judgment of the Court that the
21 Defendant, Stephan Hamilton, is committed to the custody of
22 the Federal Bureau of Prisons for a period of 240 months.

23 I do not order a fine.

24 It is ordered that upon his release from prison he be
25 placed on supervised release for 3 years.

1 While on release he shall comply with the standard
2 conditions contained in this judgment and comply with the
3 following additional conditions:

4 He shall not commit another federal, state, or local
5 crime.

6 He shall not possess illegal controlled substances.

7 He shall cooperate in the collection of DNA as
8 directed by his probation officer.

9 He shall refrain from any unlawful use of a
10 controlled substance, submit to one drug test within 15 days
11 of release from prison, and at least two periodic drug tests
12 thereafter as directed by the probation officer.

13 He shall participate in a program approved by the
14 Probation Office for the treatment of narcotic drug or alcohol
15 dependency that will include testing for the detection of
16 substance use or abuse.

17 He shall abstain from the use of alcohol and all
18 other intoxicants during and after completion of treatment and
19 contributing to the cost of services rendered at a rate of at
20 least \$25 per month.

21 He is also ordered to pay a mandatory special
22 assessment of \$100.

23 I believe this is the appropriate sentence, given all
24 of the facts and circumstances, and that this sentence is
25 sufficient, but not greater than necessary, to comply with the

1 statutory purposes of sentencing.

2 Even if I'm wrong as to any of my rulings on the
3 objections, this is the sentence I otherwise would impose in
4 this case.

5 I believe that this sentence is appropriate, even
6 with the granting of the motion -- the Government's Motion For
7 Downward Departure under Rule 5K because the Government has
8 chosen to file -- indict the defendant and allow him to plead
9 to a case that caps his exposure at 20 years when his true
10 exposure should be life in prison and a minimum of 360 months
11 under the guidelines.

12 In addition, it appears to me that there would be
13 ample evidence in this case to also assert a 924(c) charge
14 against the defendant which would also include a 60 month
15 mandatory consecutive sentence to any other sentence I would
16 impose and so on the charging decisions alone the defendant
17 has received the benefit of at least a 15 year in prison
18 reduction.

19 When I take into account then the facts mentioned in
20 the Government's Motion For Downward Departure under Rule 5K
21 and the defendant's Sentencing Memorandum, I believe that
22 taking those facts into account and considering those facts
23 with the nature and circumstances of this offense, the
24 defendant's criminal history, which includes a burglary of a
25 building, theft, false statement, DWI, he was tampering with a

1 government record, in other words he had a false passport
2 while he was smoking methamphetamine, during the search five
3 firearms, methamphetamine, and \$10,000 were recovered from a
4 closet and in one of the arrests the defendant had a firearm
5 in his waistband. He was on his way to sell drugs and bonded
6 out of jail and continued to sell drugs. When I consider all
7 of those facts, I believe a 15 year reduction in this case is
8 the appropriate reduction for the Rule 5K.

9 I've now stated the sentence. Is there any reason
10 why that sentence should not be imposed?

11 **MR. WOLFE:** Your Honor, the Government has no
12 objections but I would like to clarify just one thing only for
13 the purposes of the record. The Court was giving the Court's
14 reasons for where the Court sentenced and mentioned that but
15 for the Government's capping him at 20 he would have been a
16 360 to life. Just for the purposes of record, I think now
17 with the two level reduction he would be at 292 to 365. I
18 don't know if that would change the Court's sentence, I just
19 want to have that on the record so it's clear later on.

20 **THE COURT:** Hold on one moment, please.

21 **MR. WOLFE:** I believe he was at a 39 and an IV.

22 **THE COURT:** Yes. Okay. You are correct. The
23 guidelines will be 292 to 365. But my reasoning is still the
24 same and I don't -- I decline to change my final conclusion,
25 that is that the charging decisions alone in this case have

1 provided the defendant the appropriate 5K benefit.

2 Any objection from the Defense?

3 **MR. STICKELS:** No, Your Honor.

4 **THE COURT:** Then I'll order the sentence imposed
5 another stated.

6 Mr. Hamilton, you have the right to appeal your
7 sentence. You also have the right to apply for leave to
8 appeal in forma pauperis if you are unable to pay the costs of
9 an appeal and if you decide to appeal your notice must be
10 filed within 14 days. Please talk to your attorney about your
11 appellate rights and he will advise you appropriately.

12 Is there anything else we should take up from the
13 Government?

14 **MR. WOLFE:** No, Your Honor. Thank you.

15 **THE COURT:** From the defense?

16 **MR. STICKELS:** No, Your Honor.

17 **THE COURT:** Then we are in recess on this case.

18 Thank you both for being here and good luck to you,

19 Mr. Hamilton.
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1 I, **DENVER B. RODEN**, United States Court Reporter for the
2 United States District Court in and for the Northern District
3 of Texas, Dallas Division, hereby certify that the above and
4 foregoing contains a true and correct transcription of the
5 proceedings in the above entitled and numbered cause.

6 **WITNESS MY HAND** on this 15th day of May, 2014.

7
8 /s/ Denver B. Roden

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